

## **Planning Board Minutes of March 9, 2015**

### **Present:**

Brian Perry, Chairman  
Daniel Kowalik  
Robert Anderson  
Mary Jane Shonn  
Brian Murray – Alternate  
Daniel Shonn – Village Attorney  
Paul Bowers – Village Engineer  
Michael Borth, Code Enforcement  
Public Works Manager, Jon Cummings

### **Absent:**

### **Excused:**

**Meeting Began:** 7:05 pm.

Chairman Perry opened the meeting with a welcome to everyone.

Robert Anderson requested a moment of silence for Richard Forrestel who gave many years of service to the Village Planning Board, Lions Club and several other organizations throughout his 90 years. He will be sadly missed.

RESOLUTION duly moved by Murray and seconded by Anderson to approve the minutes of the Planning Board Meeting of February 9, 2015. Carried unanimously

### **83 Main Street – Lisa and Joseph Riniolo/Jayne Little – Coffee Shop/Book Store**

Lisa and Joseph Riniolo came before the Board and explained their new business going into 83 Main Street as a Coffee Shop/Book Store/Italian Baked Goods Shop. They will offer coffee, tea, espresso, etc. and homemade Italian baked goods and sandwiches along with a cozy atmosphere to browse the many used books lining the shelves. They would like to open by the middle of April and will be opened from 7:00 am – 8:00 pm until they establish the needs of their customers. The Building Owner Jayne Little came before the Board on behalf of Lisa and Joseph at the last Planning Board meeting and a Resolution had been approved for the new business at that time.

## **15 Main Street – Akron Ale House – Restaurant**

Code Enforcement Officer Borth explained to the Board that Shawn Schweis, the new tenant of 15 Main Street, would like to open a Bar/Restaurant called the Akron Ale House. It will have a sports bar theme and have a full service menu. Mr. Schweis also runs the Ebenezer Ale House in West Seneca, NY and the Eden Ale House in Eden, NY. At this point a Certificate of Occupancy has been issued for the first floor and at Mr. Schweis's request a Certificate of Occupancy is in process for the second floor where he will offer banquet facilities. Lastly, Mr. Borth mentioned that the existing elevator in the building will be disabled and not used. After Discussion the Board decided to table their decision until Shawn Schweis could attend a future Planning Board meeting.

RESOLUTION duly moved by Anderson and seconded by Shonn to table the decision regarding the New Business application for a Bar/Restaurant located at 15 Main Street until Shawn Schweis, proposed business owner, can attend a future Planning Board meeting be and hereby is approved. Carried Unanimously

## **Akron Village Commons – Hake Rd/Clarence Center Rd Subdivision**

Project Engineer Mike Metzger from the Akron Village Commons came before the Board with the final phasing plan and the Akron Village Commons Plat Map as per the request of the Planning Board. Chairman Perry reminded the Board that back in August of 2012 a resolution was passed to conditionally approve the Akron Village Commons Subdivision Final Plat – Phase 1. Village Attorney Shonn stated that the plat was never recorded with Erie County which makes the resolution null and void. Discussion was held regarding re-approval of the plat map, Home Owner Association fees, wetlands, sidewalks, description of the proposed homes, responsibility of maintaining storm sewer and vacant land; all questions the Board would like Stephen Development to clarify at the next meeting. Chairman Perry recommended to the Board to approve the Preliminary Plat – Phase 1A with the conditions presented by Village Engineer Paul Bowers.

RESOLUTION duly moved by Shonn and seconded by Kowalik to approve the Akron Village Commons Subdivision Preliminary Plat – Phase 1A as follows:

WHEREAS, an application for preliminary plat approval of Phase 1A for the Akron Village Commons Subdivision was submitted by Stephen Development of Clarence, New York, which proposes the development of 4 cluster residential sized lots on 2.4+/- acres of land on Clarence Center Road; Part of Lot 1, Township 12, and Range 5 in the Village of Akron, and

WHEREAS, the Village of Akron Planning Board by its resolution dated June 30, 2008 declared itself lead agency in the matter of SEQRA for the Akron Village Commons Subdivision, which proposes a total of 108 single family units, on 48.48 acres more or less of land as shown on Exhibit 'A'; the construction of public roads and storm water retention facilities, and the extension of public water, sanitary sewer, storm sewer, and electric service systems, and

WHEREAS, the Village of Akron Planning Board conducted a public hearing on October 20, 2008 to meet the requirements of the SEQRA, issued a negative declaration on December 15, 2008 in accordance with Article 8 of the Environmental Conservation

Law, granted an extended preliminary plat approval on July 23, 2012 and a final plat approval on August 20, 2012 to a previous developer, and

WHEREAS, shortly thereafter the Akron Village Commons Development changed ownership to the current developer Stephen Development, and

WHEREAS, the Village of Akron Planning Board received revised engineering design drawings and reports meeting the conditions of previous preliminary plat reviews and which were previously reviewed by interested Village, Town, and County Agencies,

NOW, THEREFORE, BE IT RESOLVED, that the Village of Akron Planning Board hereby approves the application of Stephen Development for Phase 1A of the Preliminary Plat for 4 cluster residential sized lots in Akron Village Commons Subdivision attached hereto as Exhibit 'B', and

BE IT FURTHER RESOLVED, that all future phases of Akron Village Commons Subdivision per Exhibit 'C' must submit separate applications for approval of each phase, and

BE IT FURTHER RESOLVED, that the Village of Akron Planning Board hereby approves the request of Stephen Development for Preliminary Subdivision Phase 1A Plat for Akron Village Commons Subdivision, with the following conditions:

- 1) That all outstanding comments received from the Erie County Department of Public Works, Division of Highways, and the Town of Newstead Highway Department are addressed prior to approval of public improvement permit applications,
- 2) That all comments received from the Village of Akron Department of Public Works and the Village Engineer included but not limited to the Village Engineer's letter of January 2, 2015 are addressed prior to Final Plat approval,
- 3) That waterline and sanitary sewer system approvals are obtained from the Erie County Department of Health prior to Final Plat approval,
- 4) That a Final Plat Application is submitted within 60 days of the approval of this resolution,
- 5) That the Village of Akron codes and ordinances are fully complied with.
- 6) That Erie County Planning comments are received by the Planning Board.
- 7) That U.S. Army Corps of Engineers approval be secured for wetland disturbances.

**Training:** Nothing new

**Meeting adjourned at 8.48 P.M. on a motion from Anderson and seconded by Kowalik. Carried Unanimously**

**Next Planning Board meeting: Tuesday April 21, 2015 at 7:00 pm**

Submitted by:

Brian Perry, Planning Board Chairman